

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

(X) Original () Supplemental () Substitute () PCT () DESIGN

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: OPTICAL DISK APPARATUS

of which is described and claimed in:

(the attached specification, or
 the specification in application Serial No. NEW, filed __, and with amendments through __, or
 the specification in International Application No. __, filed __, and as amended on __ (if applicable).
 letters patent number 6,298,019 granted on October 2, 2001 and in the attached specification and attached preliminary amendment for which I solicit a reissue patent.

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	07-191680	July 27, 1995	Yes
Japan	08-081245	April 3, 1996	Yes

A Statement of at least One Error and Notice of Broadening Reissue Application

I verily believe that the above-identified original letters patent is partly inoperative by reason of claiming less than I had a right to claim. Notice is hereby provided that this reissue application is a broadening reissue application filed within 2 years from the issue date of the above-identified original letters patent. As a statement of at least one error, independent claim 1 has been amended via the concurrently submitted Preliminary Amendment so as to correct an inadvertent error made during prosecution by deleting the limitation of "*a focus control means for detecting a focus condition of the light beam irradiating the information faces on the basis of an output signal from said light detecting means, driving said moving means on the basis of the detection signal, and controlling the light beam so that the focus condition of the light beam becomes a predetermined focus condition*" and instead properly adding the intended limitations of "*a focus condition detecting means for detecting a focus condition of the light beam irradiating the information faces on the basis of the digital signal from the light detecting means;*" and "*a focus control means for driving said moving means and controlling the light beam so that the focus condition of the light beam becomes a prescribed focus condition on the basis of an output signal from said focus condition detecting means;*"

All errors being corrected in this reissue application up to the time of filing the present declaration arose without any deceptive intention on my part or my behalf.

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
09/430,040	October 29, 1999	Patented (6,298,019)

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Warren M. Cheek, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; Charles R. Watts, Reg. No. 33,142; Michael S. Huppert, Reg. No. 40,268; and Jeffrey R. Filipek, Reg. No. 41,471, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., as well as any other attorneys and agents associated with Customer No. 000513, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys and agents named herein to accept and follow instructions from HAYASE & CO. as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

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I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor _____ Date _____
 Katsuya Watanabe

2nd Inventor _____ Date _____
 Mitsurou Moriya

3rd Inventor _____ Date _____
 Shin-ichi Yamada

4th Inventor _____ Date _____
 Yasuaki Edahiro

5th Inventor _____ Date _____
 Takeharu Yamamoto

6th Inventor _____ Date _____

The above application may be more particularly identified as follows:

U.S. Application Serial No. NEW Filing Date October 2, 2003

Applicant Reference Number P-13918-04 Atty Docket No. 01489/2003 1360

Title of Invention OPTICAL DISK APPARATUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

: **ATTN: BOX REISSUE**

Patent No. 6,298,019

: Atty.Docket No. 2003_1360

Issued October 2, 2001

:

Katsuya WATANABE et al.

:

Serial No. NEW

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Filed October 2, 2003

:

OPTICAL DISK APPARATUS

CONSENT OF ASSIGNEE AND 37 C.F.R. 3.73(b) STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Matsushita Electric Industrial Co. Ltd., the assignee of the entire interest in the above-mentioned letters patent, hereby consents to the above-identified reissue application.

In accordance with 37 C.F.R. 3.73(b) the assignee hereby establishes its ownership of the above-identified U.S. patent by specifying that evidence of such ownership was recorded on October 15, 1996 in the U.S. Patent and Trademark Office at reel 008176, frame 0551. Accordingly, to the best of the assignee's knowledge and belief, title is in the assignee seeking to take this action.

The undersigned is authorized to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or

imprisonment, or both, under §1001, Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Matsushita Electric Industrial Co. Ltd.

By _____

Isamu SHIMURA
Director, IP Development Center
Authorized Signing Officer

Date _____